

Thomas-Jensen Affirmation

Exhibit # 63

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

DECLARATION OF KRISTEN PORTER-UTLEY

I, Kristen Porter-Utley, declare as follows:

1. I am a resident of the Commonwealth of Massachusetts. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed by Framingham State University (“FSU”) as Provost and Vice President for Academic Affairs.

3. FSU is a state university with the mission to prepare students for a productive life, enhanced by learning and leadership that will contribute to the culturally diverse world of the twenty-first century. The University serves as an important educational and cultural center in the MetroWest region of Massachusetts. A FSU education cultivates thoughtful, responsible local and global citizens, prepares students for a career, and positions them for success.

4. As Provost and Vice President for Academic Affairs, I oversee all the programs, centers, and personnel in the Division of Academic Affairs at FSU. I am also the principal PI of a

currently funded National Science Foundation (NSF) - Alliances for Graduate Education and the Professoriate (AGEP) grant. Partner institutions, which receive and manage their own budgets as a part of this project, are Bridgewater State University (BSU) and Worcester State University (WSU).

5. FSU, BSU, and WSU (we call ourselves an alliance) working on an AGEP-NSF grant entitled *Collaborative Research: The AGEP Massachusetts State University System Equity-Minded Model for Recruiting and Advancing Early Career Faculty in the STEM Professoriate*. This grant is for a total of \$2.9 million (direct + indirect) across all institutions for a five-year period, and we are in the third year of the grant. Note that FSU, the lead institution on the project, received \$1.5 million (direct + indirect) for the five-year project.

6. The goal of our alliance is to develop, implement, evaluate and institutionalize a cohort-hiring model for transforming institutions to be more supportive and culturally sensitive such that the faculty successfully advance through recruitment and retention along early career pathways to tenure in teaching-focused comprehensive universities. It affects directly 9 faculty members, 2 full time staff members (and indirectly hundreds of students who rely on their professors to have professional development that enhances their work to effectively serve student needs).

7. Our budgets for this year have relied on grant funds for a variety of purposes, and we made plans and allocated funding for staffing and faculty based on the anticipated receipt of promised Federal funding to help us develop a model to support faculty at teaching-intensive institutions. This funding is instrumental for professional development for faculty, attendance at nationally recognized conferences, programming for best practices in teaching and advising, mentoring faculty and students of color, equity-minded recruitment and hiring practices, building

a sense of belonging to improve campus climate and start-up funding for faculty research programs.

8. Any pause in our federal funding hinders our faculty members progress in their research (in fields such as cancer biology, microbiology, neurobiology, criminology, and data science) and limits the training of young and excellent scientists.

9. The immediate chilling effect of recent presidential decisions is significant. Our faculty and staff members who have been committed to this work over the last 2.5 years feel we are on the precipice of creating a model for supporting STEM faculty which we would like to make available to institutions like ours from across the state and nation; however, right now we are a bit stuck in limbo.

10. In the next two years, we are scheduled to receive disbursements of ~\$1.5 million under our current federal grants. The status of the remaining funds is appropriated, apportioned, and obligated.

11. We expect disbursements of the remaining funds to members of our alliance on July 1, 2025, and July 1, 2026. If we do not receive such disbursements, we will not be able to complete the grant project – the creation of a model – and associated activities (many listed above).

12. On January 27, 2025, the OMB's issuance of Memorandum M-25-13, which FSU interprets to be a complete freeze on grant spending. Although the grant money has been accessed by FSU and dispersed to its campuses, FSU believes it cannot spend these funds without violating federal directives. As a result, we had to cancel an NSF site visit for February 2-3, pause external evaluation efforts, and all Implementation Team activities at our three

universities. This is essentially delaying planned activities designed to inform and develop our model.

13. One element of the AGEF grant includes a site visit by a Program Officer which had been scheduled for February 2-3, 2025. The site visit consists of NSF-identified panelists from across the nation who visit the primary institution's campus, FSU, and hear from staff and faculty about our successes and challenges. The greatest benefit of the site visit is the NSF panel of experts who are able to provide us with an external perspective which would have helped guide us as we complete the development of a faculty success model by June 2027. On January 28, 2025, FSU was notified by our primary Program Officer at the NSF that this visit would be indefinitely canceled, and that the Program Officer would not communicate with FSU until February 10, 2025. We coordinated all aspects the visit and, most importantly, mobilized over 50 faculty and staff member across three MA state universities to come together at FSU for what we knew would be a thorough assessment of our work, and a gathering of minds to inform the development of our model. The site visit was cancelled with more than 48 hours' notice, so we were able to recover institutional funds that were to be spent in support of the visit; I am sure NSF was not able to recover funds they spent on travel for the panelists. The biggest negative impact is that we were unable to benefit from being and working together in one place where we are all focused on the work at hand. And many are now concerned that we will not be able to complete the project we have been committed to for the past 2.5 years.

14. As a country we are falling behind other countries in science and math assessments. We need more investment in STEM education, not less. Broadening participation in the sciences is necessary for the technological advances that are and will continue to be instrumental to our economy. In Massachusetts, as a huge contributor to the biotech industry, we

need people in our communities who can work in these industries to advance knowledge in these fields. Educating and training all students especially students who are underrepresented minorities in STEM is essential for our country to move forward with new discoveries that are instrumental in treating and curing disease and contribute to our technology industries. Research shows that representation does matter for students of color. Faculty of color are more likely to utilize pedagogical approaches that are relevant to students of color, to have high expectations and favorable views of students of color and can enhance the “sense of belonging” that students of color can feel on campus. In addition, research shows that diverse teams foster creativity and innovation that is needed in problem solving. People from diverse backgrounds bring a multitude of perspectives and ideas that can work towards new solutions to many of the scientific challenges we currently and will face.

15. We continue to be concerned that the funding will again be delayed or denied because we are, at the moment, unable to even speak with our primary NSF Program Director about what to expect this year and, hopefully...possibly, the next two years of the project.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 4, 2025, at Framingham, Massachusetts.



Kristen Porter-Utley
Provost and Vice President for Academic Affairs
Framingham State University
Framingham, Massachusetts
Resident of Framingham, Massachusetts